

08-18-06

Express Mail No. EV475142989US
ZHU AF S

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Mueller et al. Confirmation No.: 1828
Serial No.: 09/891,715 Art Unit: 3763
Filed: June 26, 2001 Examiner: Rodriguez, Cris Lorien
For: METHOD AND APPARATUS FOR Attorney Docket No.: 10177-142-999
TREATING ISCHEMIC TISSUE

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

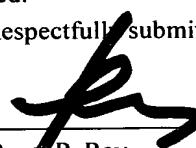
Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated February 17, 2006 of the Primary Examiner finally rejecting claims 35-47 of the above-identified application.

The item(s) checked below are appropriate:

1. An extension of time for responding to the final rejection for 2 month(s):
 was filed on
 is submitted herewith.
2. A timely response to the final rejection has been filed.
3. A fee in the amount of \$500.00 is:
 Required.
 Not required (Fee paid in prior appeal).
4. Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$250.00 is:
 Required.
 Not required (Fee paid in prior appeal).
5. Please charge the required fee, if any, to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Respectfully submitted,


Brent P. Ray

54,390

(Reg. No.)

JONES DAY

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Date: August 16, 2006

08/21/2006 RMEBRAHT 00000044 503013 09891715

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